**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

CIVIL APPLICATION NO.2084 OF 2006
IN
FIRST APPEAL NO.872 OF 2006

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr.G.S.Godbole for the applicant.
Mr.A.M.Kulkarni for respondent no.1.
Mr.Niranjan Shimpi for respondent no.7.

**CORAM: D.B.BHOSALE, J.**
**DATED: 15TH DECEMBER, 2006**

**P.C.**:

. Heard learned counsel for the parties.

2. Ad-interim order in terms of prayer clause (b) was passed on 2.5.2006 and it is operating till this date. Admittedly, the applicant is in possession of the property mentioned in prayer clause (b). By the impugned judgment in the appeal, the charge of decretal amount is kept on the said property. The applicant does not seek lifting of charge on the property. The appeal has already been admitted on merits. Keeping that in view and considering the overall facts and circumstances of the case I am satisfied that the following order shall meet the ends of justice:

(i) Ad-interim relief granted in terms of prayer clause (b) stands confirmed.

(ii) The charge of decretal amount on the property mentioned in prayer clause (b) shall continue to remain in force.

(iii) Pendency of this appeal and this order shall not preclude the decree holder from proceeding against original defendant nos.1 to 5.

(iv) The applicant is directed not to create third party rights in the aforesaid property.

. With these observations the civil application stands disposed of.

**(D.B.Bhosale, J.)**